

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RHIAN TAYLOR,

Plaintiff,

-against-

THE CITY OF NEW YORK and JOSEPH
BEY, Individually and as a Member of the
New York City Police Department,

Defendants.

Declaration

18-cv-5500 (KAM) (ST)

JOEL B. RUDIN declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following statements are true and correct:

1. I am the lead attorney for Plaintiff Rhian Taylor, am fully familiar with the relevant facts and circumstances, and make this Declaration in support of Mr. Taylor's motion to amend his complaint.

2. Mr. Taylor filed his federal complaint on October 1, 2018. ECF No. 1.

3. The Defendants filed an answer on February 21, 2019. ECF No. 14.

4. Discovery has been proceeding in this case, including document production and depositions.

5. The current deadline for the completion of fact discovery in this case is September 30, 2020, and the current deadline for completion of all discovery is February 1, 2021. ECF No. 40.

6. Mr. Taylor filed a pre-motion letter seeking a pre-motion conference for a proposed motion to amend the complaint on March 19, 2020. ECF No. 36.

7. The parties conferred prior to the filing of this letter, but were unable to reach an agreement about the proposed motion to amend the complaint.

8. Mr. Taylor had not previously sought to amend his complaint.

9. The Defendants filed a response to Plaintiff's pre-motion conference letter on March 26, 2020. ECF No. 37.

10. This case was transferred from the Honorable Nina Gershon to the Honorable Kiyo A. Matsumoto for all further proceedings on May 20, 2020.

11. Judge Matsumoto held a pre-motion conference by telephone regarding Plaintiff's proposed motion to amend the complaint on May 29, 2020.

12. Following this conference, the parties conferred further and the Plaintiff agreed to withdraw one of his proposed amendments—a new claim that his guilty plea to a separate gun-possession case was involuntary. ECF No. 41.

13. The Defendants continued to object to other aspects of the proposed amended complaint, and did not consent to its filing.

14. A proposed amended complaint is attached to Plaintiff's Memorandum of Law as Exhibit A. This proposed amended complaint has been refined since the time of Plaintiff's pre-motion conference letter on March 19, 2020.

15. A redline of the proposed amended complaint is attached to Plaintiff's Memorandum of Law as Exhibit B. This redline reflects all changes from the complaint filed on October 1, 2018, except for minor formatting changes. This redline was generated by using Microsoft Word's "compare" function, accepting all

changes labeled as “formatting” changes, and displaying all other changes.

Formatting changes were accepted to make the document easier to read.

16. All additional facts pleaded in the proposed amended complaint are true, or upon information and belief believed to be true, and are based on a review of the discovery in this case including depositions and documents.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, Plaintiff’s motion to amend his complaint should be granted.

_____/s/_____
Joel B. Rudin, Esq.
Law Offices of Joel B. Rudin, P.C.
Carnegie Hall Tower
152 West 57th Street, 8th Floor
New York, NY 10019

Attorney for Plaintiff Rhian Taylor

Dated: New York, New York
June 19, 2020